

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

IN RE CAPITAL ONE TELEPHONE
CONSUMER LITIGATION ACT
LITIGATION

Master Docket No. 1:12-cv-10064
MDL No. 2416

CLASS ACTION
JURY TRIAL DEMANDED

This document applies only to:
1:11-cv-5856 (N.D. Ill.)
2:12-cv-0024-RSL (W.D. Wash.)
1:12-cv-01061 (N.D. Ill.)

NOTICE OF MOTION¹

TO: ECF Service List

PLEASE TAKE NOTICE that on May 9, 2013, at 9:00 a.m., we shall appear before the Chief Judge Holderman at the United States District Court, Courtroom 2541, 219 South Dearborn Street, Chicago, Illinois, and then and there present the attached **MOTION FOR CLASS CERTIFICATION**, a copy of which has been filed today with the ECF system for the Northern District of Illinois.

Respectfully submitted,

s/ Keith J. Keogh

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¹ Understanding that proceedings in this action are stayed pending class mediation (Dkt. 39), Plaintiffs file this motion at this juncture only to preserve the putative class claims and avoid any attempt to moot the named Plaintiffs' claims. *See Damasco v. Clearwire*, 662 F.3d 891, 896 (7th Cir. 2011). At presentment, Plaintiffs will ask that this motion be entered and continued until the stay is lifted.

CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2013, I electronically filed the above and foregoing notice and motion through the Court's CM/ECF System which perfected service on all counsel or record.

s/Keith J. Keogh